



SACRAMENTO - SAN JOAQUIN
DELTA CONSERVANCY

3500 Industrial Blvd.
West Sacramento, CA 95691
<http://www.deltaconservancy.ca.gov>

Discussion of Teleconference Participation at Delta Conservancy Meetings

Requested Action: Staff requests that the Board discuss the advantages and disadvantages of providing teleconference phone lines as a means to participate in Conservancy meetings and decide whether to offer teleconference lines at future meetings.

Background

At the February 23, 2011, Delta Conservancy Board meeting, staff was directed to investigate whether or not to allow meeting participation via conference call. Information about three (3) issues—meeting act compliance, logistics, and expense—is presented below to assist the Board in its deliberation.

Bagley-Keene Open Meeting Act Compliance

The following steps must be taken to ensure that the use of a teleconference line is in accordance with Government Code §11123 and the Bagley-Keene Open Meeting Act (Act). There also was discussion at the February Board meeting as to whether the following applies only to voting Board members, or the Board at large (including liaison members); this is discussed further on page 2.

- Conservancy Board members **must** notify the Board Liaison at least two weeks (14 calendar days) in advance of the meeting that they will be calling in instead of physically attending.
- Members **must** also supply the address of the location from which they will be calling. These locations are required to be published in the Board meeting notice and agenda and must be open and available for access by members of the public.
- Once published, a member of the Board or staff is legally **required** to physically be present at that location for the duration of the meeting.
- The meeting agenda **must** also provide an opportunity for members of the public to address the Board at each conference call location.

- Any action taken by the Board will require the full reading of the roll call for each and every vote.

As mentioned above, the Conservancy's Board is unique in that it is comprised of both voting Board members and liaison advisors (who do not vote). It is the opinion of the Conservancy's legal counsel that allowing liaison members to participate in Conservancy meetings via teleconference is unlikely to trigger the additional requirements described above. There is no case law interpreting the relevant sections of code (Government Code §11123 and Public Resources Code §32330). However, a court could, upon litigation, render a liberal and broad interpretation of either of these codes, especially since the California Constitution requires a liberal interpretation of open meeting laws. A liberal interpretation could rule that liaison members are indeed considered Board members for open meeting law purposes.

Simply providing a call-in number for members of the public to use does not trigger any additional requirements under the Bagley-Keene Act.

Logistics and Expense

The other issues have to do with the logistics and expense of providing conference call access. Furthermore, there are a limited number of conference lines available at the Conservancy's current location. These conference lines are in high demand and it can be challenging to secure a conference line even weeks in advance of a meeting. Staff has explored the option of securing a dedicated conference line through outside vendors (AT&T, Verizon, etc). These vendors would supply the Conservancy with a dedicated toll-free number and two pass codes. One code is for the meeting organizer or host and the other pass code is for those that will be calling in. The cost of this service varies from \$7 - \$10 per hour, depending on the number of participants.

Logistically, several other issues were raised for the Board:

- It can be difficult to ascertain who's speaking via teleconference, which can be confusing when compiling the meeting minutes.
- Teleconference participants can have difficulty participating in conversation because they are unable to see the visual cues that signal when it is appropriate to comment.
- From time to time the Board will convene off-site due to scheduling or resource conflicts. It may not always be feasible to locate an affordable space that is available on our meeting dates, which can accommodate 30 or more people and can provide a dedicated phone line for conference call access.

Additionally, staff surveyed the following Conservancies:

Conservancy	Teleconferencing Provided?
Sierra Nevada Conservancy	No
California Coastal Commission	No
Tahoe Conservancy	No
Santa Monica Mountains Conservancy	No
San Joaquin River Conservancy	No
Baldwin Hill Conservancy	Yes, published call-in location is the Resources Building (9 th Street, Sacramento)
Coachella Mountains Conservancy	Yes, published call-in location is the Resources Building (9 th Street, Sacramento)

Recommendations

For the reasons identified above, staff recommends that the Board not allow its members to participate in public meetings via teleconference.

Contact

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